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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,335	03/26/2004	Guo Jr Jau	16676 B (4352 RC)	1587

7590
Charles E. Baxley, ESQ.
3rd Floor
90 John Street
New York, NY 10038

02/12/2007

EXAMINER

STASHICK, ANTHONY D

ART UNIT	PAPER NUMBER
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3781

MAIL DATE	DELIVERY MODE
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02/12/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Election/Restrictions

1. Newly amended and submitted claims 1, 4 and 6-16 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The original claims appeared to be directed to Figure 6 of the application which showed only one plate. The claims as currently amended, claim two separate plates, each having a feature that was part of the one plate originally claimed. This appears to be an improper shift of invention, i.e. claims solely directed to a species not elected by original presentation.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 1, 4 and 6-16 are hereby withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b), 37CFR 1.145 and MPEP § 821.03.

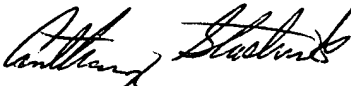
2. The reply filed on December 27, 2006 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): the claims are all directed to a different invention as noted above and therefore there are no claims to examine directed to the original invention. Furthermore, applicant failed to address the previous notice of non-responsive amendment dated October 17, 2006. Therefore, since this is a non-bonafide attempt to respond to the previous office action, the time continues to run from the previous notice of non-responsive dated October 17, 2006 with no additional extensions of time available.

Art Unit: 3781

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Stashick whose telephone number is 571-272-4561. The examiner can normally be reached on Monday through Thursday from 8:30 am until 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on 571-272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Anthony D Stashick
SPE
Art Unit 3781